

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RUBY L. SIMMONS,

Plaintiff,

vs.

Civil Action 2:06-CV-867  
Judge Smith  
Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On January 31, 2008, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the decision of the Commissioner be reversed and this action be remanded for further consideration. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The decision of the Commissioner is hereby **REVERSED** and this action is **REMANDED** for further consideration of plaintiff's subjective complaints of fatigue.

The Clerk shall enter **FINAL JUDGMENT** pursuant to Sentence 4 of 42 U.S.C. §405(g).

s/George C. Smith  
George C. Smith, Judge  
United States District Court